

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RAYMOND LEYBA,

Plaintiff,

v.

CV 12-1010 JAP/CG

KENNETH BROWN, individually and as
Compliance Officer, Socorro County DWI
Compliance Office; PRESCILIANO VAIZA, JR.,
Individually and as Socorro County Deputy Sheriff;
SOCORRO COUNTY DWI COMPLIANCE OFFICE, an
Entity of SOCORRO COUNTY; SOCORRO COUNTY
DETENTION CENTER, an entity of SOCORRO COUNTY,
A subdivision of the State of New Mexico,

Defendants.

**ORDER COMPELLING PLAINTIFF TO RESPOND
TO DEFENDANTS' DISCOVERY REQUESTS**

THIS MATTER is before the Court on *Defendants' Motion and Memorandum In Support of Motion for Sanctions Due to Plaintiff's Failure to Cooperate in Discovery* ("Motion"), filed on March 4, 2013. (Docs. 24 and 25). Defendants request that the Court sanction Plaintiff for his failure to provide discovery or enter an order compelling Plaintiff to fully respond to Defendants' requests for discovery, enlarge pretrial deadlines, and any other relief the Court deems just. (Doc. 24 at 5).

In their Motion, Defendants state that they served Defendant Socorro County's First Set of Interrogatories and First Request for Production of Documents on Plaintiff by mail on December 28, 2012. (Doc. 24 at 1, Doc. 21). On January 28, 2013, the Court granted Plaintiff a two-week extension of time in which to provide the discovery to

Defendants; the new deadline was February 13, 2013. (Doc. 5 at 2-3). On February 12, 2013, Plaintiff advised Defendants that he could not obtain the necessary documents and sought additional time. (Doc. 24 at 3; Doc. 25-1). Defendants' Counsel avers that she attempted to contact Plaintiff twice before filing this Motion, but the number he has provided was disconnected. (Doc. 24 at 4). Defendants' Motion was filed on March 4, 2013; pursuant to D.N.M.LR-Civ. 7.4(a), Plaintiff's Response should have been filed within fourteen days. Plaintiff did not file a response and the failure of a party to timely file and serve a response in opposition to a motion constitutes consent to grant the motion. D.N.M.LR-Civ. 7.1(b).

Although the Court does not feel that sanctions are appropriate at this time, Plaintiff is ordered to fully respond to Defendants' discovery requests by **April 15, 2013**.

IT IS SO ORDERED.

A handwritten signature in cursive script, appearing to read 'Carmen E. Garza', written in black ink.

HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE